

REMARKS**Claim Rejections – 35 USC § 102**

Claims 2 to 4, 10, 12 and 27 have been amended to clarify that each negotiation profile determines a different set of negotiation characteristics and requirements.

The Examiner states on page 2 of the Office Action that "Ojha discloses negotiation profiles which determine how the agent will act during a given negotiation" in column 15 line 30-65. The Examiner also states that "the agent itself is able to take into account "the commerce situation or state to select the optimal negotiation profiles appropriate to that situation or state"".

Applicants respectfully disagree. Ojha only discloses that the "seller may also authorize automated responses to bids by specifying a number of business rules to govern the responses using the interfaces 1300-1320 of Figs. 13a-13k" (emphasis added) (column 15 lines 31 to 33).

The description relating to Figure 13l cited by the Examiner as displaying the above characteristic states that "Figures 13e through 13k show alternative interfaces for specifying and modifying business rules" (Column 16 lines 5 and 6). Thus, it would be clear to one skilled in the art that Figure 13l shows an interface that a user of the system described in Ojha may use to amend the automated responses to bids.

Therefore, it can be seen that Ojha does not disclose an agent that is able to "select an optimal negotiation profile appropriate to that situation or state". As recited in Claims 2 to 4, 10, 12 and 27 only a system that allows a user to select rules that should be applied to a bidding process. Applicants therefore respectfully submit that Claims 2 to 4, 10, 12 and 27 are not anticipated by Ojha.

In short, Ojha has no capability for adjusting its own rule set. It can only use a single rule set defined by the user. The present invention as recited in Claims 2 to 4, 10, 12 and 27 is able to alter its performance by choosing different complete rule sets dependent on "the commercial situation or state of the party".

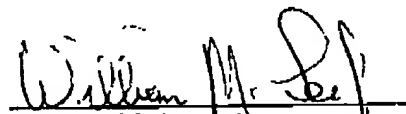
Therefore as Ojha does not disclose all the features of Claims 2 to 4, 10, 12 and 27 Ojha cannot anticipate the present invention as defined by Claims 2 to 4, 10, 12 and 27.

Applicants submit that Claims 8, 9, 13, 15 to 26 are not anticipated by Ojha at least by virtue of their dependencies.

Entry of this response, and further and favorable reconsideration of the application are urged.

April 14, 2006

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

CHDS01 WLF 328148v1